

June 12, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

a. Item Page -2003 (Comm. 10D-2)
DEP: SEQR – Sheridan Drive from East Park Drive to River Road – Sherwood Greenway.
(5-0)

b. Item Page -2003 (Comm. 10D-13)
DEP: SEQR – Northeast – Southtowns, Regional Solid Waste Management Plan – 2000-
2012.
(5-0)

c. Item Page -2003 (Comm. 11D-1)
DEP: SEQR – Buffalo Outer Harbor Recreation Area.
(5-0)

d. Item Page -2003 (Comm. 11E-37)
COUNTY EXECUTIVE: ECSSTA – Engineering Service Agreements – Work Order
PH-2.
(5-0)

e. Item Page -2003 (Comm. 11E-39)
COUNTY EXECUTIVE: ECSSTA – Engineering Service Agreements – Work Order
URS-6.
(5-0)

AS AMENDED

2. Item Page -2003 (Comm. 8E-12)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Rehabilitation Project, Contract No. 27SA, on May 21, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 27SA	Allstate Power Vac, Inc. 928 E. Hazelwood Lane Rahway, New Jersey 07065	557,850.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work.

NOW, THEREFORE, BE IT

RESOLVED, that the Rehabilitation Project, Contract No. 27SA, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 27SA	Allstate Power Vac, Inc. 928 E. Hazelwood Lane Rahway, New Jersey 07065	\$557,850.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$557,850.00 from the Sewer Capital Account of Erie County Sewer District No. 1, Fund No. 430, Project 694, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office, Gregory Dudek, Assistant County Attorney, and to John S. Rizzo, Deputy Comptroller.
(5-0)

AS AMENDED

3. Item Page -2003 (Comm. 9E-45)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsive bids for the Erie County/Southtowns Sewage Treatment Agency, Southtowns Sand Filter Project, Contract Nos. 1ST-G, General and 1ST-E, Electrical on May 20, 2003.

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 1ST-G General	C.O. Falter Construction Corp. 403 West Bear Street Syracuse, New York 13204	\$2,947,101.00
Contract 1ST-E Electrical	O'Connell Electric Company 830 Philips Road Victor, New York 14564	\$ 146,000.00

and

WHEREAS, the aforementioned bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County/Southtowns Sewage Treatment Agency, Southtowns Sand Filter Project, Contract Nos. 1ST-G, General and 1ST-E, Electrical be awarded to the lowest responsive bidders as follows:

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 1ST-G General	C.O. Falter Construction Corp. 403 West Bear Street Syracuse, New York 13204	\$2,947,101.00
Contract 1ST-E Electrical	O'Connell Electric Company 830 Philips Road Victor, New York 14564	\$ 146,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$3,093,101.00 from Sewer Capital, Erie County Sewer District No. 3, Fund No. 430, Project No. 915; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

AS AMENDED

4. Item Page -2003 (Comm. 9E-46)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Sanitary Sewer Extension Project, Contract No. 58EV/H, on May 20, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 58EV/H	Sicar, Inc. 1128 Jamison Road Elma, New York 14059	\$560,807.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sanitary Sewer Extension Project, Contract No. 58EV/H, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 58EV/H	Sicar, Inc. 1128 Jamison Road Elma, New York 14059	\$560,807.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$560,807.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 340, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

5. Item Page -2003 (Comm. 11D-3)

DEP

RESOLUTION NO. _____-2003

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2003.

(Adopted) _____, 2003.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, the Agency and Village has on April 22, 2003 entered into an agreement whereby the Village shall transfer ownership of various sewer facilities to the Agency; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on October 31, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

Whereas, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of

Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution 175 on May 22, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6 in Buffalo, New York, in said County, on June 19, 2003, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$6,327,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns

Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(5-0)

6. Item Page -2003 (Comm. 11D-4)
DEP
 RESOLUTION NO. _____-2003

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2003.

(Adopted) _____, 2003.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdel (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the

facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution 176 on May 22, 2003, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, in Buffalo, New York, in said County, on June 19, 2003, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and

improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,925,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(5-0)

7. Item Page -2003 (Comm. 11E-14)

COUNTY EXECUTIVE

WHEREAS, Erie County owns in excess of 1,600 acres of forestry lands in the Town of Sardinia; and

WHEREAS, Ardent Resources, Incorporated, an oil and gas exploration company, has identified the Sardinia area as having high natural gas development potential; and

WHEREAS, Ardent Resources has proposed to drill for natural gas on private properties adjacent to the Erie County forestry lands with no effect on County lands; and

WHEREAS, Ardent Resources has proposed to enter into a contract with Erie County to include the forestry lands in their land assemblage; and

WHEREAS, New York State law allows such mineral extraction to take place under a proportional method of royalty compensation to affected property owners; and

WHEREAS, Erie County has 1,600 acres that would be eligible for such royalty compensation over the life of the gas well,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Ardent Resources, Incorporated, for a three-year period and to accept royalty payments in an amount to be determined at a later date, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning;

Lawrence D. Jasinski, Commissioner of Parks and Recreation; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

8. Item Page -2003 (Comm. 11E-40)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention and expansion of farming and agricultural activity in Erie County; and

WHEREAS, The production of sweet green peppers and tomatoes in Erie County is coming under pressure from new cooling and packaging requirements and competition from outside the County and region; and

WHEREAS, The Eden Valley Growers Farm Cooperative has served as a source for cooling and packaging of locally grown produce and is willing to provide up to \$9,500 in cash and installation services for the acquisition of a Forced-Air Cooler; and

WHEREAS, The Erie County Industrial Development Agency has acted as a pass-through agency for the purchase of this type of equipment,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, in amounts not to exceed a total of \$95,200, for the purpose of purchasing a Forced-Air cooling unit for use by the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the Erie County Industrial Development Agency shall retain ownership of the cooling unit, which will be leased to the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the source of these funds shall be \$95,200 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.
(5-0)

DALE W. LARSON
CHAIRMAN